

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

ADAM MONTELL GOBER,

Case No. 3:22-cv-00036-LRH-CSD

Petitioner,

DISMISSAL ORDER

v.

WARDEN REUPART, et al.,

Respondents.

This habeas matter is before the Court on Petitioner Adam Montell Gober's failure to comply with the Court's April 26, 2022, order (ECF No. 7).


Petitioner initiated this case by filing a petition for writ of habeas corpus pursuant to 28 U.S.C. § 2254. (ECF No. 1-1.) The Court completed an initial review under Rule 4 of the Rules Governing Section 2254 Cases in the United States District Courts. (*See* ECF No. 7.) In that initial review, the Court determined that Gober's instant petition, which was filed 158 days after the AEDPA limitation period expired, was untimely on its face. (*Id.* at 3.) As such, the Court ordered Petitioner to show cause why the petition should not be dismissed with prejudice as time-barred. (*Id.* at 5.) The Court warned that if Gober did not respond to the order to show cause within 45 days, the petition would be dismissed with prejudice and without further advance notice. (*Id.*) That 45-day deadline expired on June 10, 2022. To date, Gober has not filed a response to the order to show cause, requested an extension of time, or taken any other action to prosecute this case.

IT IS THEREFORE ORDERED that:

1. This action is dismissed with prejudice based on Petitioner's failure to comply with the Court's Order (ECF No. 7).

2. Petitioner is denied a certificate of appealability, as jurists of reason would not find dismissal of the petition for the reasons stated herein to be debatable or wrong.
3. The Clerk of Court is instructed to add Nevada Attorney General Aaron D. Ford as counsel for Respondents. No response is required from Respondents other than to respond to any orders of a reviewing court.
4. Pursuant to Rule 4 of the Rules Governing Section 2254 Cases, the Clerk of Court will file the Petition (ECF No. 1-1) and informally serve the Nevada Attorney General with the petition (ECF No. 1-1), this order, and the April 26, 2022, order (ECF No. 7) by sending a notice of electronic filing to the Nevada Attorney General's office.
5. Petitioner's motion for appointment of counsel (ECF No. 3) is denied as moot.
6. The Clerk of Court is further directed to enter final judgment accordingly, dismissing this action with prejudice, and close this case.

Dated: June 13, 2022.


LARRY R. HICKS
UNITED STATES DISTRICT JUDGE